

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

BENNY ODEM, #1703386,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 6:22-cv-268-JDK-JDL
	§	
LONNIE E. TOWNSEND, et al.,	§	
	§	
Defendants.	§	
	§	

**ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Plaintiff Benny Odem, a Texas Department of Criminal Justice inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636.

On March 4, 2025, the Court evaluated Plaintiff's voluminous pleadings and severed a number of claims and Defendants that Plaintiff improperly joined with the primary claim in this case. Docket No. 69. On March 6, 2025, Judge Love issued a Report and Recommendation recommending that the Court dismiss this case with prejudice as frivolous and for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b)(1). Docket No. 70. After obtaining an extension of time, Plaintiff filed objections. Docket No. 79.


Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28

U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc), *superseded on other grounds by statute*, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days). A party objecting to a Magistrate Judge’s Report must specifically identify those findings to which he objects. Frivolous, conclusory, or general objections need not be considered by the District Judge. *See Nettles v. Wainright*, 677 F.2d 404, 410 & n.8 (5th Cir. 1982) (en banc).

Plaintiff’s objections primarily rehash many of his claims and arguments (including several that have been severed into another action and are no longer pending in this case) and assert that he was entitled to an evidentiary hearing to evaluate his claims. But, for the reasons explained by the thorough and well-reasoned Report, his claims fail and do not merit a hearing even accepting the truth of the factual allegations.

Having conducted a de novo review of the record in this case and the Magistrate Judge’s Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff’s objections are without merit. Accordingly, the Court **OVERRULES** Plaintiff’s objections (Docket No. 79) and **ADOPTS** the Report of the Magistrate Judge (Docket No. 70) as the opinion of the Court. Plaintiff’s claims are **DISMISSED** with prejudice as frivolous and for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b)(1).

So **ORDERED** and **SIGNED** this **16th** day of **April, 2025**.



JEREMY D. KERNODLE
UNITED STATES DISTRICT JUDGE